



How the Virtual World Looks from our Window: Select Policies, Regulations and Codes of Conduct

Policy Services - Erie 1 BOCES
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Technology is Changing the Way We Communicate

- New technologies provide a variety of ways to express ourselves;
- Personal electronic devices, Social Networking Web sites, and other “tech tools” affect the way we conduct our business and personal lives; and
- We’re creating a new “normal” in the workplace, at home and in schools.



Guidance for School Districts in the 21st Century

- Understand the difference between policies, regulations and Codes of Conduct;
- Each has a distinct purpose, place and “audience” in the School District;
- Make certain that you regularly review these and update them as needed.



School District Standards and Guidelines for Web Page Publishing (Policy #3120)

(Your district's Policy numbers may vary)

- Issues to consider:
 - What are the District's objectives, needs and circumstances?
 - How does the District want to use its Web site? (eg., student created Web Pages/Blogs and/or limit use to school-sponsored instructionally related matters).
 - Keep in mind Student and Educational Records, Student Directory Information



Issues to consider (continued):

- Proceed with caution and consult legal counsel on issue of Copyrighted Materials Intellectual Property and Works Made for Hire;
- Respect Student Free Speech Issues (School-sponsored Publications);
- Understand District is ultimately responsible for the content of its School Websites;
- Adhere to applicable laws, District Policies and regulations;
- Corresponding Regulation available.



Website Release Form (Form #3120F)

- Review Sample Form with appropriate staff to ensure compliance with applicable District policies and/or practices.
- Obtain Parent/guardian permission;
- Consider how much student identifying information to use school-affiliated Websites.
- Make certain that Web Page Publishing policies “match” parent/guardian release form.



Records Management

(Policy #5670 & Regulation #5670R)

- Records must be retained in accordance with Records Retention and Disposition Schedule ED-1.
- Must have plan to store electronic records.
- Regulation has guidelines for retention and preservation of electronic records.



(Carol)

Electronic Records Issues:

- Share some comments, problems and misconceptions regarding “electronic records” in schools
- Consider staff and student use of e-mail, and the need to consider ability to retrieve, retention requirements for electronic records, discovery/litigation holds, etc.
- Share experiences with electronic records progress –
 - Where we have been?
 - Where we are now?
 - Where we are going?

Staff Use of Computerized Information Resources

(Policy #6410 & Regulation #6410R)

- Policy language - minor (but significant) revision.
- Addition of “without prior notice”
 - This amendment reinforces the fact that District personnel should have no expectation of privacy in information that they create, maintain or store on the School District's computer system.
- Staff use of the district computer system is conditioned upon written agreement by the staff member that use of DCS will conform to requirements of Policy and Regulation.

(Karen)

Electronic Communication Devices and Employee Privacy Rights: Recent U.S. Supreme Court decision

- City of Ontario v. Quon, the Court held that the City of Ontario California Policy Department's audit of Sgt. Quon's text messages (sent and received on his city-issued pager) was reasonable and did not violate his Fourth Amendment rights.
- The Supreme Court decided this case on very narrow grounds. This decision ***does not*** establish far-reaching precedent on the general use of electronic communication devices in the workplace (eg., the existence and extent of employee privacy rights when using employer-provided communication devices).



Recent U.S. Supreme Court decision (continued):

- The Supreme Court acknowledged, "*rapid changes in the dynamics of communication and information transmission*" in both the actual technologies used and what society accepts as proper behavior.
- As the Court emphasized, "***employer policies concerning communications will of course shape the reasonable expectations of their employees, especially to the extent that such policies are clearly communicated.***"



Recent U.S. Supreme Court decision (continued):

- Guidance from the Supreme Court's decision:
 - Establish an explicit and intelligible electronic communications policy for all employees;
 - Clearly communicate the policy to your employees;
 - Document (in writing) employees' receipt of the policy;
 - Review the policy regularly and update or amend it as needed;
 - Consistently apply the policy in your workplace (eg., no ad hoc exceptions or special treatment);
 - Ensure that any investigations into potential employee misconduct are conducted for a legitimate work-related purpose and are properly limited in scope; and
 - Monitor changes in technology and consult with legal counsel as needed and when potential violations of electronic communications policies arise.



Erie 1 BOCES Use of Technology Agreement (Form #6410F)

- Formerly referred to as the AUP (Acceptable Use Policy);
- Must be acknowledged annually;
- Includes all “authorized users;”
- New guidelines regarding cell phones provided by BOCES and own personal technology equipment (on E1B Wireless Guest Network);
- Web collaboration tools (blogs, wikis & social networking).



Social Networking Sites (SNS) Guidelines (Regulation #6000R.1)

- Benefits and risks of SNS
- After District creates a “District SNS”
 - Maintain Quality Control
 - Maintain Content Integrity
 - School District Expectations for Personnel are the same
 - Virtual World vs. Real World



New Email Regulations

- Email Acceptable Use Policy
- Use of Personal Technology Equipment
- System Security Guidelines

(Available on Wiki)



Standard Email Disclaimer

- SAMPLE for attachment to outgoing emails from your organization.

Confidentiality Notice:

This electronic message and any attachments may contain confidential or privileged information, and is intended only for the individual or entity identified above as the addressee. If you are not the addressee (or the employee or agent responsible to deliver it to the addressee), or if this message has been addressed to you in error, you are hereby notified that you may not copy, forward, disclose or use any part of this message or any attachments. Please notify the sender immediately by return e-mail or telephone and delete this message from your system.



Bullying: Peer Abuse in the Schools (Policy #7552)

- Revisions to existing Policy address “Cyberbullying;”
- Cyberbullying may occur on and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school (eg., cell phones, digital cameras, personal computers);
- Cyberbullying may include harassing, teasing, intimidating, threatening, or terrorizing a student or staff member with any technology tool (eg., sending inappropriate e-mails, instant messages, text messages, photos or images, or Web site postings (including blogs);
- Issue should be clearly addressed in *District Code of Conduct*.



Cyberbullying Behavior in the Schools (Regulation #7552R.1)

- New regulation to correspond to updated Policy
- Addresses reporting allegations of Cyberbullying behavior
- Must take action for Prevention and Intervention
- Dissemination of Information



Excepts from Erie 1 BOCES – Code of Conduct

- Recommended revisions related to 21st Century Technologies
 - District's need to examine their own specific objectives, needs and circumstances.
 - Student Use of Electronic Communication Devices
 - *Examples available of most restrictive, middle-of-the-road and most liberal approaches*
 - *Include staff use of electronic devices to exemplify & reinforce acceptable student behavior*



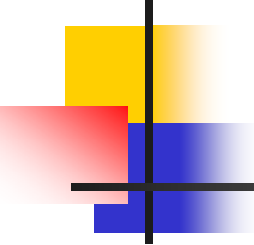
Code of Conduct (continued):

- ***Under heading*** - Prohibited Student Conduct – new sample language:
 - Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, and other personal electronic devices deemed inappropriate by the administration).
 - Unauthorized use of personal computer, laptop and/or other computerized information resources through the Erie 1 District computer system is prohibited.



Code of Conduct (continued):

- *Under heading* - Engage in Any Conduct That Endangers the Safety, Morals, Health or Welfare of Others – new sample language:
 - Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. **This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).**
 - Harassment, which includes a communication (verbal, written, **electronic** or graphic) and/or physical conduct based on an individual's actual or perceived race, color, religion, national origin, political affiliation, **sexual orientation**, sex, age, marital or veteran status, **use of a recognized guide dog, hearing dog or service dog or disability.**



Engage in Any Conduct That Endangers the Safety, Morals, Health or Welfare of Others (Continued):

- "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, e-mail, Web sites, chat rooms, and text messaging, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, **taking, sending or receiving sexually explicit videos, pictures or auditory recordings** and other verbal or physical conduct or communication of a sexual nature.



Summary

- Embrace new “tech tools” to help your School District deliver educational services to its students but don’t let them “rule” the school;
- Teach staff and students how to use technology responsibly and effectively;
- Communicate District’s policies, regulations and Codes of Conduct clearly and often to make sure all audiences hear your message!



Questions & Discussion:

- How are changes in technology affecting your School District?
- How have you adapted your delivery of services to students?
- What are the “hot topics” on your campus today?



Thank you!

- Questions:

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